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SECTIONAL ASPECTS OF NEW YORK PROVINCIAL POLITICS

IT is the purpose of this paper to notice certain phenomena in the political development of New York between 1691 and 1760. Antagonisms resulting from conflict of interests and attendant jealousies between different regions of the province were important features of that development. These phenomena constitute one aspect of the sectionalism which is now recognized as having contributed to the character of the complex movement of the American Revolution. In New York this sectionalism was not so sharply accentuated as in some of the other provinces. Nothing like the situation which gave rise to the Regulator troubles in the Carolinas, or to the outbreak of the Paxton Boys in Pennsylvania, was true of New York. Nevertheless, the divergent views as to provincial policy held by the commercial seaboard on the one hand, and by the agricultural and frontier interior on the other, were by no means without effect upon the political life of the province. Other antagonisms between regions of differing economic significance and between different social classes combined to form the material of the active, and usually intensely local, schemes of provincial politicians.

The spirit of localism, probably always characteristic of young and rapidly-growing communities, was a leading trait in the life of the colonies. By contemporary imperialists, both English and American, it was regarded as the besetting vice of the American portions of the British Empire in the eighteenth century. Complete and systematic treatment of the subject of sectionalism in all its aspects in provincial New York is as yet hardly possible. Its various features were numerous and often closely interwoven. Patient and minute analysis of the material at present accessible may be expected to yield much. It is devoutly to be wished that sources in the nature of private papers and correspondence may yet come to light which may admit us to a more intimate acquaintance with the motives which lay

beneath the surface of many an important movement. In the survey which is here presented attention will be particularly directed to three features of New York provincial politics in which sectional antagonism is reflected. There was, in the first place, a struggle between New York city as the commercial metropolis and the rest of the province as a producing region, in which the city was definitely worsted. This was in the last decade of the seventeenth century. Secondly, throughout the whole provincial period the distribution of the weight of taxation was a matter of conflict between the commercial and landed interests, in which the latter on the whole had their way. And, finally, the matter of apportionment of representatives and of direct taxes among the counties furnished a perpetual scene of struggle between localities. The period especially observed is that between 1691, when a representative legislature was given a permanent place in New York institutions, and the close of the fourth intercolonial war. It was during this time that the struggle between royal governors and a popular assembly developed the actual structure of New York's provincial constitution.

Certain general conditions characteristic of New York should be noticed, as the background for the development of the practices which were the "politics" of the province. The topography was peculiar. The shape of the territory bore a rough resemblance to the letter L. Long Island corresponded to the horizontal portion, while the vertical line was represented by the two strips of land on the banks of the Hudson between New York city and Albany. As regions of settlement, these strips extended twenty miles on each side of the river for the whole of its course between the two cities. From Albany, at a right angle to these two strips, ran the course of the Mohawk river. At the beginning of the period, occupation of this region had reached no farther than Schenectady, and relations with the French and Indians made the progress of occupation for the fifty years after 1690 rather slow. The region on the banks of the Hudson was the scene of greatest activity in "peopling" the province. Manifestly, for this part of the province New York city was the natural point of concentration for commerce with the rest of the world. It is equally obvious that the city

was far from serving Long Island with like adequacy, and this fact, as will be seen, figured in the politics of the period.

So far as effect on political life was concerned, conditions as to racial distribution and social structure were also peculiar. The fact that New York was acquired from the Dutch by conquest gave rise to comparatively few problems for politics on a purely provincial scale. Nicolls, Lovelace and Andros had quite as much trouble in settling affairs with the Long-Islanders, predominantly of New England stock, as in adjusting matters with the Dutch of the Hudson valley and Albany. The cosmopolitan character of the population of New York city was noted by Dongan; but the situation of his master, the Duke of York, made the policy of toleration in religious matters, necessary under the circumstances in New York, comparatively an easy matter. Though Albany itself was inhabited almost wholly by Hollanders, the region of Esopus (Kingston) contained French, German and Swiss admixtures with the prevailing Dutch population. The racial and confessional characteristics of the different regions seemed to the people themselves less important than those which affected economic life. As they viewed the province, Long Island could depend on "husbandry and whaling; Sopus was the fat of the land by tillage; Albany had the Indian trade and husbandry; while New York city had no other advantage but trade." The Dutch had estimated the importance of the city and its trade so highly that the "planters" had been forbidden to trade overseas, and had been required to pay one-tenth of their produce to the government. Only the people of Albany were permitted to engage in the trade with the Indians.¹ The Leisler affair was far more the result of a collision between conservative and radical temperaments and prejudices than of any conflict of races.² The growth of population in the eighteenth century was characterized by no such volume of immigration from Europe as happened in Pennsylvania. Some Germans, some Scotch, many from Long Island and from New England helped to "seat" the river counties, but the newcomers did not settle

¹ Minutes of the Common Council of the City of New York, I, 149-50.

² Osgood, III, 457.

in such a way as to affect the course of politics into which the province settled after the Peace of Utrecht. This political development took place largely over such matters as the control of provincial revenue and expenditure, maintenance of defence and Indian relations and support of provincial government. But it was in connection with just such matters that the metropolis and interior frequently took opposing views. The first open conflict between them came, however, upon a matter which directly concerned general economic policy. And it is probably not without significance that this struggle between interests of a sectional character came to a head very shortly after the permanent establishment of a representative legislature.

I

This contest was concerned with a question which is of fundamental importance in a developing country, namely, the relation between the headquarters, or metropolis, and the outlying and expanding portions of the province. The preëminently commercial character of Dutch policy had been made evident both in the emphasis laid on the fur trade and in the pains taken to develop New Amsterdam's general commercial possibilities. Certain aspects at least of this latter feature were continued under English rule. In particular, the trade with the West Indies in flour and biscuit received especial encouragement. To this end it was essential that the standard of quality in the New York product should be maintained at such a point as to sustain the competition of the neighboring colonies on the continent. For this purpose the privilege of bolting and packing flour and baking biscuit for exportation had been confined to New York city. Only thus could the inspection which was necessary to protect the flour against adulteration be carried out. The privilege was conferred upon the city by the governor and council in 1680, and was enforced by the city by the seizure of flour imported into its limits for sale and exportation. The expediency of this monopoly was held to be demonstrated by the occurrence of complaints from the West Indies when occasionally the enforcement of the privilege had been relaxed.

The city's bolting and packing business had naturally thriven

so that by the last decade of the seventeenth century it was asserted to be the corner stone of the city's prosperity and to furnish occupation for at least six hundred families. Moreover, this monopoly came to be asserted categorically as one of the liberties and privileges recognized and secured by the city's charter.¹

There is little articulate expression of the sentiment of the "planters" toward this municipal privilege in the material at present accessible. However, rural resentment at exclusion from direct participation in the intercolonial trade in breadstuffs had become sufficiently formidable in 1691 to find expression in a suit against the city, brought by Jacob Rutsen, a leading planter in Ulster county. By the end of 1692 the supreme court of the province gave an opinion in favor of the city's privilege. But Rutsen was ready and able to push the matter to extremes. His attorney, William Nicoll, was prominent in the councils of Governor Fletcher, and according to Rutsen's deposition, made in 1698, Nicoll agreed either "to prevail to get an act passed to deprive New York of the sole liberty of bolting flour or carry the cause to England."² We are not informed of the reasons causing Nicoll to choose the former method, but in the spring of 1694, the assembly passed an "Act against unlawful by-laws and Unreasonable forfeitures," which passed the council by a vote of seven to three, and duly received the governor's assent. Furthermore, it was confirmed by the Privy Council in England within three years. This prompt confirmation was presumably the result of Nicoll's exertions in its behalf when he was in England as agent for the

¹ Minutes Common Council of N. Y., I, 80, 94, 99, 130-5, 141-2, 149-50, 152.

² The consideration in this affair was £400. The respective shares of the governor and councilor, Nicoll, in this sum, and the question whether it was more in the nature of a bribe paid to officials, or of a fee paid to a lawyer, were matters of dispute among those concerned. There seems to have been no doubt that the "undertakers" for the money afterwards "jumbled it with the public tax of Ulster County . . . which swelled it so high as had well nigh occasioned a mutiny." The £400 should be compared with £106, the value of a gold cup presented to Fletcher by the Common Council of New York city, with its address for confirmation of privileges! Min. Com. Council, I, 230-36, 272, 280-1, 309, 311-13, 326-8. Cal. St. Paper, Am. and W. I., 1697-8, 593, i, ii, iii. N. Y. Col. Docs., IV, 223, 332.

province, jointly with the collector, Brooke. The political power of the interior, recently acquired through the establishment of representative institutions, had thus been shrewdly and vigorously wielded.¹

The "Bolting Act," as it was colloquially termed, stigmatized the city's by-laws, enforcing its privilege, as "unreasonable . . . and of pernicious consequence to all . . . the subjects of the province," and declared such "pretended by-laws of New York city," or any other rule of like nature to be void and of no effect. It was thus a definite assertion of the refusal of the interior to acquiesce in a monopolistic privilege of the metropolis. In spite of the latter's defence of its privilege on the ground of its necessity for the trade of the province as a whole, as well as of its own interest therein, the interior used its power as it saw fit. It had the votes in the House of Representatives—fifteen to four, or, at the least, eleven to eight, if we may imagine Kings and Richmond counties standing with New York city in this matter. And in its control of the purse, the House of Representatives had the means whereby to extort from the governor a consent to laws, as a price for grants of taxes, without which he could not defend the province. It was an earnest of the whole future of constitutional development in the province.

The city by no means submitted without a struggle. In 1697 the mayor and council with great care drew up an address to the king. The "Bolting Act" was described as a threat at the interests of the province as a whole in the long run. It was also asserted that it would work great injustice to the city; heavy investments by numerous people had been made in the improvements of the metropolis, in the expectation that the privilege of bolting and packing would be a permanent feature of provincial policy. Bellomont, governor from 1698 to 1701, was addressed immediately upon his arrival to the same effect, and his interest was enlisted in a still more elaborate statement of the city's case, to be presented by the agent, Weaver, to the Crown.

¹ Col. Laws, I, 326-7; Journal of Assembly, I, 37-8; Journal of Legislative Council, I, 52. Col. Docs., IV, 322. Fowler's Bradford, cxxxvi, cxxxvii.

² Min. Com. Council of N. Y., II, 7-9, 36-48, 31-4. Great reliance was placed upon the precedent furnished by the law and practice of England. There, it was

All this exertion was, as we have seen, too late, for the act was confirmed in June, 1697.

The struggle was continued, however, in another form. In the autumn of 1700, on the advice of the Recorder, the city council passed an ordinance levying an imposition on flour brought into the city from the country. The imposition was defended on the ground that the city's increasing "publick and necessary charge" should be borne in some reasonable part by the outsiders who were enjoying the benefits which its market afforded. This step, however, according to Bellomont, so "enraged the Country members of the House of Representatives (who were four to one) this last session, that they protested no money bill should pass till the ordinance were recalled." This

alleged, special restrictions were placed on the sale of corn, of which none was to be sold or even changed for seed except in open market. "In the whole world where there is Any Setled Government, Even under the barbarousest constitution there was never a greater Act of Improvidence than to take away the mercate of come from one place without fixing it at some other certaine place." For then it would be impossible to use the laws against regrating and forestalling in restraint of those who for twenty or thirty thousand pounds might buy up all the corn and force the inhabitants to pay twenty or thirty shillings per bushel. Yet the "Country . . . is not Contented with anything Except all the principles of trade be reduced to confusion and every planter's hut become a market."

Reference was made to the experience of other colonies, such as Plymouth, Connecticut, Maryland and Virginia, "who for want of a Publick Mart like unto this City have very little shipping belonging unto them," and "cannot accrue to that benefit in trade by husbandry as this province." Such a trade center was also held to be essential to the subduing of the wilderness and peopling of the province, for without it "no man would be encouraged to improve more than what he had occasion for." (Here is the "new country's" idea of welfare, as opposed to imperial mercantilist purpose. In Maryland and Virginia, at least, the prospect of considerable towns was not welcomed by the mother country, the fear of development of colonial manufactures in such centers being chiefly before their eyes. Morriss: *Colonial Trade of Maryland*, pp. 69-70, 90.)

As to the injustice to the city itself, the act was described as taking away the livelihood of two-thirds of its eight thousand inhabitants, for the sake of thirty bolters in Kings, Queens and Ulster counties, whose combined population was represented as less than 500 families. Upon the city's trade, itself chiefly dependent upon flour, depended the revenue for support of government. And the city paid from one-fifth to one-third of the taxes recently levied for defence. It was the city which had gained credit and reputation for New York flour abroad. But now as a result of the "licentious bolting" and consequent adulteration, complaints had arisen in the West Indies and New York flour had sensibly declined in price. Min. Com. Council, I, 149-50, 311-13; II, 7-9, 31-98.

complication proved to be fatal to the scheme of the city. The governor was immovably set on the construction of a fort in the Onondaga country, for which the grant of a tax by the assembly was absolutely essential. For the sake of this money bill Bellomont did not scruple to remove the city recorder in order to secure the repeal of the offending ordinance. Here again the interior's heavier weight of votes in the assembly, coupled with the governor's financial dependence on that body, secured a permanent decision in an important matter of general economic policy in favor of the interior rather than the metropolis.¹

From the relations between city and country which have been recounted it is evident that these sections had acquired a distinct consciousness of separate and oftentimes conflicting interests. The situation offered opportunities for negotiations or "deals" between the parties in interest, and the following incident makes it apparent that these opportunities were not neglected. In the same session of the assembly in which the city had been foiled in the matter of the imposition on flour, an attempt was made to obtain legislation by which the city's revenue from the ferry to Long Island might be improved. Apparently the surest way to obtain the necessary votes from the country members for the proposition was the offer of city votes for a measure in which country members took a special interest. At all events a bargain of this character was made. The "country" measure for which city votes were pledged was a bill which purported to give legislative sanction to a land fraud which involved a considerable area. It was in the form of a private bill, and the injured parties alleged that serious irregularities in the procedure of what corresponded to a Land Office in the province were thereby confirmed in effect. They further accused the managers of the transaction in the assembly of grave errors in parliamentary procedure. The bargain failed of consummation at this session, owing to the unexpected defection of one of the city members. One of the defenders of the deal was loud in condemnation of this recalcitrant member, and on being taxed with the injustice of the land-fraud bill, admitted it without a

¹ Min. Com. Council, II, 113-15, 119-21; Col. Docs., IV, 811.

blush but alleged that the governor, Bellomont, would never consent to it, but "would do anything for the city"! The significance of the incident is obvious. "Bi-partisan deals" and the "double cross" were apparently not unknown even at this early stage of "practical politics" in New York. It is perhaps not without interest to note that at the session in the autumn of 1701 the bargain was finally put through and both bills received executive approval, Bellomont having died and his place being filled by the more complaisant lieutenant-governor, Nanfan.¹

We have no authentic expression from the interior itself of the views on provincial policy by which it was animated. Cornbury, a governor who was dominated by a "ring" of city merchants, interpreted the situation in 1708 as follows: "They don't care what becomes of the city provided they have goods cheap. They think the more goods are brought in the cheaper they will be no matter whence they come nor how much the trade of the province is destroyed." This particular expression was apropos of another feature of intercolonial commercial policy which had been reversed since the establishment of an assembly in which votes from the rural regions predominated. But it voices equally well the general disdain of the merchants

¹ The following is from the deposition of David Jamison, one of those injured by the land bill referred to above. "The petitioner was in company with Mr. Isaac DeRiemer an Assemblyman from the city of New York . . . where a stranger from Connecticut was present and asked Mr. DeRiemer what good they did by their long sessions of Assembly for themselves or the Country, to which he replied that very day they had brought a very good thing almost to pass for the city of New York which was all hindered by one of the city members who was born and brought up amongst them. The stranger did ask what was that. This DeRiemer being Mayor of the city told him that they proposed a Bill touching the Ferry and to secure the trade of the city with sundry privileges; that they had bought some votes of the Country party to it, particularly Jacob Rutsen's vote, on condition that the city members gave their votes for a Bill of his bringing in about Waghaghkemeck and that Rutsen for all he is so great a Rogue was true to them and that they had carried it but for the vote of Alderman Lewis who is a Captain and Alderman and born in the city and deserves to be stoned as he walks the streets. The petitioner then said, But Neighbor DeRiemer don't you know that part of that land belongs to me, how come you to make Merchandise of my Estate to serve the City's interest? To which he Replied, he knew that but that the Lord Bellomont had given them assurance that he would never pass that Bill about that Land, I'm sure he'll not pass it, he only lets it go so far in favor to the city at my request and would do anything for the city but we are not our own friends." C. O. 5, 1047 f. 634, Col. Laws, I, 449-51.

for the "Country's" crude notions concerning commercial policy, such as had been expressed in the Bolting Act.¹

It is inherently probable that it was a general prejudice against monopoly which figured most prominently in the rural mind. There is much force also in the suggestion of James Graham, leading lawyer and prominent politician, in a letter to Blathwayt in 1698. Commenting on the wide-spread aversion to renewing the revenue, he describes the popular doctrine as follows: "If the revenue is extinguished, then there will be no necessity for a monopoly of port privileges for New York city, and every creek and bay will be a port." This doctrine, he said, was "very taking," by reason of the increase in local prosperity which had befallen many small places since the city's monopoly of bolting flour had been extinguished.² The significance of this general rural sentiment hardly needs emphasis. "Every creek and bay a port" seems to have been a slogan of like attractiveness with "every planter's hut a market for corn." The city's main argument for the general expediency of its exclusive privilege had been its necessity for the purpose of maintaining *in the long run* the reputation of New York flour in the West India market. The monopoly was an administrative necessity incidental to the process of inspection. The interior was willing to take the chances as to the long-run result and infinitely preferred to contemplate the immediately-appearing local consequences. Nor did time or experience appear to alter this determination. Resolutions declaring the necessity of regulating and inspecting the quality of flour passed the House in 1727 and in 1728. The subject was mentioned in the governor's speech to the assembly by Cosby in 1734, and by Clarke in 1736 and 1741. Upon these and other occasions bills were introduced "for preventing the exportation of unmerchantable flour." Not only adulteration, but also frauds in the tare of casks were the subject of complaint. Such bills, though pre-

¹ Cornbury even suggested a re-apportionment of seats which should give to New York city as many representatives in the assembly as all the rest of the province combined. Only thus, he believed, could the repeal of the Bolting Act be obtained. Col. Docs., IV, 1180; v, 58.

² Col. Docs., IV, 375.

pared usually according to the order of the house by the members from the city, were never advanced beyond the stage of second reading. Evidently the interior was immovable.¹

II

The history of the Bolting Act furnishes the most conspicuous example in the period under consideration of antagonism between metropolis and interior in a matter of general economic policy. Of corresponding significance is the conflict between the commercial and landed interests in connection with the support of the provincial government. The contest was practically a competition in dodging the burden of this support. Lieutenant-governor Clark in 1738 referred to the long-standing complaint of merchants that "imposts upon trade" had always borne the whole expense of supporting the government. They had "often try'd to get it eas'd by laying some tax on lands, but the Country members are too great a Majority against it."² This succinct description is on the whole sustained by the facts in the case. The provision for the support of the provincial government was colloquially termed "The Revenue," and from 1691 to 1709 consisted of the proceeds of the excise on the retail sale of liquors and of duties on imports and exports. In the period just mentioned, the assembly had granted the revenue on five separate occasions for terms of two, three and five years. Furs were the only article of export on which duties were laid. The import duties fell chiefly on wines, spirits and "European goods," especially the varieties of the latter which were suitable for the Indian trade. Very little information is available concerning arguments which may have been employed against the policy of granting trade duties as the source of government support. The debates in this period seem more often to have been concerned with the length of time for which the grants should be made. Against the position that such duties offered the "easiest way" we find only one protest from a source of any importance. A pamphlet issued by William Nicoll in the

¹ Journal of Assembly, XX, i, 563, 577, 605, 654, 659, 662-3, 689, 736, 738, 807, 809.

² Col. Docs., VI, 116.

election campaign of 1699 vehemently denounced all restrictions on trade. "The Custom-house at New York has contributed more to the upbuilding of Philadelphia than all Mr. Penn's interest and artifice, which is not a little. . . . Experience of all times and places from Tyre and Sidon, the Hanse Towns, Civita Vecchia and Rhode Island [!] teach the lesson of encouragement of trade."¹ The circumstances of this election of 1699 cast some doubt on the entire sincerity of this passion for free trade in the abstract, as a responsible utterance of the class to which Nicoll belonged. He himself was too well-informed to believe that the home government would permit the civil list to be cut down to the point at which the excise alone could carry the expense, as this pamphlet proposed. But the political situation of the provincial faction of which Nicoll was a leader demanded at all costs the defeat of the "governor's interest" at that election. And the suggestion in the pamphlet shows at least that there was a sentiment in the province to which such a proposal would appeal.

As it happened, this particular election was won by the "governor's interest," and the revenue was continued for a term of six years, and in 1702 for three years longer. By the time these two grants had expired—in 1709—a complicated crisis had arisen in provincial politics, of which the question of a revenue was only one feature. The struggle dragged on for six years, and the efforts of the mercantile class to place the burden of support elsewhere than on trade exclusively, bore a leading part in the contest. The attempt, however, was in vain. Participation in the fruitless Canada expeditions of 1709 and 1711 required the imposition of heavy direct taxes, and resort to this method of supporting the government, even in part, was thus impracticable. By 1714, payment of the long-accumulated debts of the province by an issue of bills of credit "swallowed up" the excise for twenty years in advance, as security and sinking-fund for the paper currency. Further, when a general settlement of the whole crisis was at last reached in 1715, the omission of the export duty on furs and of the special rates of

¹ C. O., 5, 1092 ff. 122-5.

duty on importation of goods for the Indian trade showed the dominance of the interests of the interior. Not only should trade bear the burden of supporting the provincial government, but it should be that portion of trade in which the interior had only an indirect interest. In an election "Address to the Inhabitants of Westchester County" in 1713, it was admitted that the duties on trade would be shifted upon the consumer by the importing merchant. But great stress was laid on the point that the articles thus affected were not those in whose use the ordinary citizen need be much interested. It will not be the "sober, industrious, prudent or needy part which will bear the charge. Those who can satisfie themselves with homespun and use cider, beer and such spirits as we can distil from our own produce will be free from paying anything towards support. . . . The burden will only lie on those best able to bear it—gentlemen of estates in towns and cities and rich farmers in the country."¹

In the light of these circumstances, the method of provision for the expenses of government by trade duties may fairly be described as a policy deliberately adopted in the interest of the more newly-settled, expanding interior, at the expense of the town-dwelling and "trading" interest—"those best able to bear it." Moreover, this characteristic of the system of government support, developed in 1715, was permanently retained. Thereafter, the controversy upon the subject centred almost wholly about control of expenditure and the length of the term of the revenue. In placing the weight of the burden of support the interior, as in the affair of the "Bolting Act," made its will prevail over the more commercially-minded metropolis. Further on in this survey we shall have occasion to observe the attitude of the interior towards the metropolis in connection with the apportionment of direct taxes.

III

So far in speaking of the "interior," the reference has been to the whole region outside of New York city and its immediate environs. There was one portion of this extra-metropolitan

¹C. O., 5, 1050; Aa, 131.

territory which developed a special and local consciousness. During the quarter of a century after 1691 a condition developed in Long Island which amounted to an antagonism between that region and the rest of the province, especially the metropolis. At all events, a feeling of grievance on the part of the island against the provincial government found expression in the political crisis of 1709 to 1717. The expression was, it is true, ineffectual, but a strong emphasis on sectional feeling is reflected therein. There was always a certain element of separateness from the rest of the province in the social structure and political ideals of the Long-Islanders. This was in part a natural result of the New England origin and political attachment to Connecticut which was especially characteristic of the eastern part of the region. This tendency was strengthened as to trade connections by conditions of topography. For the exchange of whale products and grain for European goods, the voyage to Connecticut or Rhode Island ports was so much shorter than the one hundred and fifty miles to New York that compulsion to use the latter place as their *entre-pôt* involved nothing but oppression in their eyes. Yet the course of legal trade required all entries and clearances to be made at New York city. The arrangements made by Dongan for a port at the eastern end of the island seem to have been dropped, for at several different times after 1691 petitions were addressed to the governor and council, asking for the establishment of ports for entry and clearance, both at Oyster Bay and at the eastern end of the island. No action was taken in response to these petitions, though it was asserted by the towns in Queens county that the expectation of a port there had been one of the conditions of settlement.¹ Under these circumstances it is hardly surprising that "illegal trade" of all sorts flourished, and that the inhabitants were in exceedingly bad odor with the governors. Bellomont referred to Long Island as "lawless and desperate," a "receptacle of pirates." He seems even to have cherished the notion of sending one hundred soldiers and quartering them

¹ *Journal Legisl. Council*, I, 52. *Exec. Council Min.* 8: 99. *Col. MSS*, XLII, 163; XLVI, 76, 110, 111.

in certain towns which "make it their daily practice to receive ships and sloops with all sorts of merchandize, though they be not allowed ports."¹ Cornbury was not less unfavorably disposed, and at certain times employed a sloop to cruise in the sound to "hinder illegal trade . . . carried on at the eastern end of Long Island."² Considering the extent and character of the island's shore line it is evident that only a coast guard of such numbers and efficient organization as nowhere existed at that time, would have sufficed. Naturally the activity of Cornbury's occasional sloop was regarded by the Long-Islanders as a piece of sordid oppression by "Subtil Fellows inspecting into every nice Point in the Law and If they were not fulfilled and observed in every particular, vessels were seized." Such was the view reflected in a speech in the assembly by Samuel Mulford of Southampton, in 1714.³ With passionate indignation he gave instances of pettifogging persecution by officials, not without accompaniment of blackmail, and of intolerable delays in the custom house at New York. The speech probably embodied the feeling of the whole island, namely, that they were practically deprived of the means of legitimate trade and were thus so discouraged that many sold out and moved away.

New York's monopoly of port privileges was resented by Long Island in much the same spirit as had been shown in the interior's attitude towards the bolting privilege. In both issues the metropolis was held to be engrossing a privilege participation in which should be common to all. Long Island's resentment, however, was directed against a feature incidental to the working of the provincial government as a whole. Mulford's speech was made in the course of general opposition to the renewal of the grant of the revenue for the support of govern-

¹ Col. Docs., IV, 516-17, 591.

² *Ibid.*, 1058, 1155, V, 58. Exec. Council Min., 9: 110, 174, 283.

³ "Our vessels being thus carried and drove away, we had not vessels to carry the growth of the country to a market, nor bring us such goods as we wanted." The case of Southold he describes especially, "wheat at Boston being at 5/6 per bushel, and at New York only 3/4 they couldn't carry it to Boston, nor was any vessel able to come to them thence, and not any coming to them from New York, their wheat and grain lay by them till the Vermin Eat and Spoiled it." C. O. 5, 1051. Bb. 64.

ment. Struggle over this matter went on for a period of six years after 1709. During this time governmental expenses were in large part carried on the governor's credit, and in the course of the contest all possible sources of revenue beyond the reach of the assembly were developed. Among such stray items were the claims to rights in connection with the whale fishery, and to the payment of quit rents on grants of land. Long Island was of course especially interested in the former matter, which had been a subject of contention in Cornbury's administration. The crown's regalian right in this matter having been questioned by the Long-Islanders, Hunter, governor from 1710 to 1719, could hardly omit asserting it at a time when support of the royal government in the province was being withheld by the people's representatives. In prosecution of its claims, Mulford was the especial object of the government's attacks. He was subjected to suits in connection with the whale fishery and with the quit rents. His speech in the assembly in 1714 not only voiced these especial grievances of Long Island but also embodied an able and thorough-going attack on the whole conduct of the provincial government as "arbitrary." Having subsequently printed this speech, Mulford in 1715 was expelled from the House. All this apparently nerved him, at the age of seventy years, to brave the terrors of an ocean voyage and to seek relief at the court of Great Britain. Here he displayed an activity which belied his years,¹ and, though he was unsuccessful in his crusade against the "arbitrariness" of the provincial government, a workable arrangement was finally effected in regard to the whale fishery. For our purpose, the most important incident in his career in England was his distribution to members of Parliament and to the public in general of papers which aired the whole of Long Island's grievance. In an elaborate Representation and Memorial he expressly accused the governor of manipulating the apportionment of representatives and of taxes in a manner oppressive to Long Island, and declared that as the result of the interested designs of "most Subtil

¹ C. O., 5, 1051. Bb, 51-2, 54-6, 116, 121.

men," the colony "is miserably distressed if not vassalled," by being made "tributary to barbarous heathen."¹

The latter charge amounted to a challenge of the general policy towards the Indians as it had been so far pursued by the provincial government. This policy had the support of the imperial authorities and of interested New York and Albany merchants, and the challenge was hopeless. As an instance of another aspect of sectionalism it is important, but the subject is too complicated for more than the barest notice in this connection. From the tone of the Memorial it is evident that the corrupt exploitation of the Indian situation by the Albanians, for their own local advantage and at the expense of the rest of the province, was a grievance of equal weight in Mulford's mind with the character of the policy as a whole. Much of the proceeds of taxation and an ominous share of the alarming provincial debt were accounted for by the demands of these Indian relations and abortive expeditions against the French. From the circumstances of the situation, the services for which these taxes were voted and the debt was piled up were performed by residents of the Albany region. These, according to Mulford, thus received a double benefit. Upon Long Island, however, itself in no danger, fell the weight of heavy taxation without any feeling of adequate compensation therefor. It was this aspect of the situation which sharpened the feeling of grievance with regard to the apportionment of seats in the legislature and of quotas of direct tax.

In support of his complaint concerning apportionment Mulford cited figures which seemed to bear out the charge of oppression. He first called attention to what seemed to him a fundamental anomaly, namely, that counties differing widely in numbers of inhabitants had, nevertheless, equal representation in the legislature. Comparing them on the basis of the number of white males of military age, Orange county with 65 men, Richmond with 350, Suffolk with 800, and Queens with 1000,

¹ "Capt. Mulford's Representation against the Government of New York. A Memorial of Several Aggrievances and Oppressions of His Majesty's Subjects in the Colony of New York in America." Doc. Hist. of N. Y., III, 363-71. "An Information." *Ibid.*, 372-383.

had two representatives each. But Kings, Queens and Suffolk counties, numbering 2220 men, paid quotas amounting to £2055 in a direct tax of £4000, whereas the rest of the counties, with 3465 men, paid only £1945.

Albany, Orange, Ulster and Dutchess counties, with ten representatives don't pay as much tax as one county on Long Island, where they have but two from each of the three counties and where very little of the proceeds of taxation is spent, whereas up the river most of the public money is spent, and the inhabitants charge twice as much for the services as they would in other parts of the colony.

The Memorial definitely ascribes this "unequal taxing" to the "disproportion of Assemblymen," and boldly declares that though it were "a privilege to have an Assembly if it were as near as may be according to the number of people in each county," yet, "to have the name and not the nature is but a snare to the greatest part of the people." Defects in the system of representation were asserted by Mulford to be the means whereby the "Minor Part" were able "for their Interest . . . to oppress the Major Part." As this matter of apportionment is always an occasion of sectional conflict, it is worth the trouble of an examination.

The Memorial in several passages sets forth, as the ideal principle, representation of the counties in strict proportion to population.¹ As a matter of fact, however, this principle found but imperfect expression in the system followed in New York. Roughly speaking, the fundamental idea of the scheme was the provision of two representatives from each county. This would seem to mean the recognition of a territorial unit of administration as the basis of representation. But population was not disregarded in practice. It was not until 1715 that Ulster, Dutchess and Orange counties, comparatively thinly-peopled regions, were accorded their full number of two delegates each. Moreover, the peculiar characteristics of each region were responsible, apparently, for significant variations from the general plan of equality between territorial units. New York city, for

¹ Doc. Hist., N. Y., oct. ed. III. 365-6, 368-9.

example, as the metropolis, sent four members. From the Albany region came not only the two members from the city and county of that name, but one member each from the extreme frontier town, Schenectady, and from the special jurisdiction of Rensselaerwyck, the manor of the most powerful landed magnate in the province. In 1717, an additional member from this region was sent by the newly-created manor of Livingston. And, before that, the delegation from Westchester county had been increased by the addition of a member from the borough of that name. In short, the provincial practice in this matter would seem to approximate much more closely to that of old England than to that of New England.

The plan of apportionment in New York seems to indicate an appreciation by its leaders of a problem which is of much practical importance in a growing country, viz., the rapid change in the relation of populations of different regions to the total population of the province. Careful inspection of the figures of population for the first half of the eighteenth century, by regions, seems to show that, leaving out Long Island, the interior of the province, as compared with the metropolis and its immediate environs, was far from being the object of unfavorable discrimination in the apportionment of representatives. In fact, if anything, the interior, apart from Long Island, was always over-represented. Long Island, however, both in rate of growth compared with that of the province as a whole, and in its proportionate position in the total population of the province, fell steadily behind during this period. Mulford's complaint in 1717 had especially emphasized the fact that the "river counties" and Albany were favored at the expense of Long Island. The enlargement of the numbers of the House from twenty-two to twenty-six, by the addition, under the governor's authority, of members from the northern part of the province, was an item in Mulford's indictment of the "arbitrary" tendency of the New York provincial government. But it was precisely in this "up-river" region that the "peopling" and "seating" process was chiefly in evidence. Whatever the political motives, and whatever the comparative population of regions at the time, the creation of seats in the House for this part of

the province in the years from 1713 to 1717 in effect only anticipated a rapidly approaching condition of fact.¹

The complaint of Mulford's Memorial was followed up by an attempt to re-arrange the counties on Long Island and to obtain an increase in the delegation from that region, but this attempt got no further than the second reading of a bill introduced in the House for that purpose.² Long Island was only kicking against the pricks. As a region of growth, the future was against it; in its dissent from the provincial policy as to Indian relations, it was in an equally hopeless minority.

The pith of Mulford's accusation in reference to the system

¹ In the following statement, "regions" are regarded as composed in this manner: Long Island—Kings, Queens and Suffolk counties; New York and vicinity—New York city and Richmond and Westchester counties; River counties and Albany—Orange, Ulster, Dutchess and Albany counties.

In the period from 1703 to 1723 the total population of the province increased by more than ninety-five per cent. The rate of growth of New York and vicinity just about kept pace with this, but this was due to the growth of Staten Island and the Westchester region. The city itself fell considerably behind the rate of increase for the whole province. The same was true to a much greater degree of Long Island, whose rate of growth for the period was barely seventy per cent. The "up-river" region, on the other hand, showed an average rate of increase more than double that of the province as a whole, the growth of Orange county being especially marked.

In the period from 1723 to 1749, the rate of increase for the whole province was eighty-one per cent, Long Island's rate being little more than one-third of this. New York and vicinity no longer kept pace with the growth of the whole province, though the city itself very nearly did so. The rate of increase in the "up-river" region, however, averaging the four counties together, was just about triple that for the province as a whole. Orange and Dutchess counties, especially the latter, were far in the lead of Albany and Ulster.

Inadequate as must be any merely numerical statement, certain important tendencies are apparent in the following table.

PERCENTAGE OF TOTAL POPULATION AND OF REPRESENTATIVES IN ASSEMBLY.

	1703	1723	1749	1703	1723	1749
Long Island.	46	38	26	27	24	22
New York and vicinity .	33	32	35	41	34	33
River-counties and Albany	20	29	37	31	42	44

² Journal of the Assembly, I, 395, 409.

of apportionment was that it was directly responsible for the imposition on Long Island of an unjust share of the burdens of direct taxation. A tax on "estates reall and personal" was the usual financial recourse for anything outside the range of the expenses incident to the maintenance of the ordinary apparatus of government. The act granting a tax named the total sum to be raised, and then assigned a specific sum to each county as its share of the total levy. The assignment of these quotas was made by the House itself, or by its members sitting as Committee of the Whole. There is reason to believe that at all times the liveliest interest was taken in this business of assigning quotas, but as the practice of printing the division lists in the journal of the assembly was not taken up till 1737, we have no information before that date as to the maneuvers of the regions on this matter.

If Mulford could have established a connection of cause and effect between inequalities of representation and undue burdens of Long Island in quotas of direct taxes, his case for oppression might have been a fairly strong one. During the first quarter of a century after the permanent establishment of representative government in New York, direct taxes were an important feature of provincial finance. The occasions for their imposition were mainly connected with defence or maintenance of Indian relations, and therefore they did not make their appearance with regularity. The total of such levies for the first intercolonial war was about £25,000, and about the same sum was voted in connection with the Canada expeditions of 1709 and 1711. The annual average of these taxes for the years between 1691 and 1715 is something over £2700, whereas the revenue from the excise and from trade duties devoted to support of government, was described by the auditor-general as amounting to "about £4000 per annum."¹ It is impossible to be precise about these matters, but even these rough figures show how important direct taxation was in this early period of provincial development.

In answer to Mulford's complaint, however, the council and

¹ Blathwayt's Journal, III, 80-90.

assembly categorically denied that a county's voting strength in the assembly had anything to do with the quotas of direct taxes assigned to it.

Had the Assembly in their taxations considered only the number of representatives and not the wealth of the inhabitants represented, the grievance would have been more extensive and the complaint more just. The different taxations will continue as long as the counties are unequal in area, population and wealth.¹

The implication is plain that however mixed might be the considerations which determined the assignment to a county of voting strength in the assembly, the county's taxable wealth was the measure of its share in the burden of a direct tax. Careful examination of the quotas of taxes compared with the quotas of the total population, as regards the several counties, reveals nothing in the practice of the province markedly inconsistent with this claim. But in the absence of reliable information as to the taxable wealth of the several counties conclusions must of necessity be somewhat vague. All that can be said is that in the more newly-settled and exposed regions the tax quotas were always lower than the population quotas, whereas the opposite conditions prevailed in the older, and presumably richer, regions. Probably the representation of the council and assembly, from which quotation has been made, embodied the theory of the matter, while actual practice afforded opportunity for exercise of the inclination, traditionally characteristic of rural regions, to transfer financial burdens to the commercial centers. The historian, Smith, incorporates in his text a tabular statement of the quotas of a tax, "to show the comparative opulence of the counties" at that time. Nevertheless, he feels obliged to add the following caution:

To guard the reader unacquainted with the petty cabals of a distant colony and who may be deluded by the seeming precision of the quotas, it is proper to add that the members from the metropolis always complain of the intrigues of the country gentlemen in loading their city with a third part of the public burdens for the ease of their own

¹C. O., 5, 1051; Bb. 148.

counties : and that but for the fear of losing their bills in the council, which is generally composed of citizens of influence, a still greater share would fall upon that small island forming the city and county of New York.¹

An instance of this disposition becomes available to us in connection with the taxes imposed at the time of the third inter-colonial war. This was the occasion for repeated resort to direct taxation, from which the province had been practically free ever since the administration of Burnet, from 1720 to 1727. As these taxes were for the purposes of defence, it is possible that the old Long Island prejudice was responsible for the scheme of apportionment which was attempted. The practice of printing the division lists in the journal of the assembly, begun in 1737, now enables us to follow the maneuvers of the "petty cabals" to which Smith refers. The circumstances illustrate also the measures adopted by the commercial centers to defend themselves against discrimination, and reveal a feature of fundamental importance in provincial politics.

In February, 1746, a bill for £10,000 passed the House of Representatives. The quotas of the tax assigned by the bill were so apportioned that New York and Albany counties, comprising together about 32 per cent of the total population, were called upon to pay about 65 per cent of the total levy. To New York, with slightly over 17 per cent of the population, was assigned 44 per cent of the tax ; while the quota of Albany, with 14 per cent of population, was a little over 19 per cent.² The division lists show that this was the result of a combination of the rest of the province against New York and Albany, which were joined in their resistance by only two members—Beekman of Dutchess county, and Morris of Westchester Borough. The quotas show that Suffolk, Queens and Westchester counties would have profited especially by this scheme, the shares of each of these counties being barely over 5 per cent of the total

¹ Smith: *History of New York*, Albany edition (1814), II, 94, 97-8.

² An act of 1744, raising £3200 for defence, assigned to New York city a quota of 49 per cent, and to Albany 16 per cent. *Journal of Assembly*, II, 37. *Col. Laws*, III, 403.

levy. The bill was rejected by the council with severe comments on the injustice of the discrimination, especially on that against New York city. The council scouted the notion that the taxable wealth of the city and county of New York amounted to one-third of that of the whole province, and went on to show that the quota assigned to New York exceeded even one-third of the levy by more than the entire quotas of Suffolk, Queens and Richmond counties combined.¹ There seems little doubt that Long Island was sponsor for this discrimination, for the House appointed the members from Suffolk and Queens counties as a committee to answer the council's representation which had embodied criticism of the quotas.

By the latter part of the same session it is evident that New York and Albany had rallied their forces. In framing the quotas of a tax for £13,000 they succeeded in winning over the delegations from Dutchess and Westchester counties and one vote each from Orange and Richmond counties. By means of this combination the discriminations in the earlier bill were corrected. New York's quota was fixed at thirty-three and one-third per cent, instead of forty-four per cent, and thereafter New York city always paid one-third of every tax levy. Albany's share was reduced from nineteen per cent to fourteen per cent, making the combined quotas of the two commercial centers forty-seven per cent instead of sixty-five per cent. This correction involved an increase of nearly one hundred per cent each in the cases of Queens and Suffolk counties—the significance of which is obvious. Equally significant is the fact that Dutchess and Westchester counties escaped for the time without any substantial increase in their quotas. Though participating with the Long Island counties in the original raid on New York and Albany, they were rewarded for their adhesion on this occasion to the New York-Albany combination by increases in their own quotas which were almost negligible.

The general domination of the New York-Albany combination with Dutchess and Westchester counties continued in the

¹ Journal of Legisl. Council, II, 916-17. Journal of Assembly, II, 95-99, 101, 109-110. Col. Laws, III, 548, 577, 660.

apportionments of the taxes levied for the conduct of the fourth intercolonial war, 1755 to 1759, but with significant variations. The quotas in a tax of £45,000, voted in February, 1755, displayed especial tenderness for Albany, reducing its quota from a little over fourteen per cent to ten and three-fifths per cent. This made necessary substantial increases somewhere, and this time the blow fell on Westchester and Dutchess counties, whose quotas were nearly doubled, while Suffolk and Queens counties received slight mitigation. Westchester and Dutchess, however, could hardly expect much sympathy. Their percentages of the total white population stood respectively at fourteen and one-third per cent and nearly sixteen per cent, while their tax quotas in previous apportionments were five and one-half per cent and four and one-tenth per cent. Nevertheless, we find them resisting the increase of their quotas, in which resistance they were aided, though fruitlessly, by the New York city members.

But Albany was unable to retain its advantage. Within three months a new apportionment of quotas was made. This scheme stood for the remainder of the war, and was applicable to levies amounting to £270,000. By this apportionment Albany's quota was placed at a fraction over sixteen per cent, New York's remained at thirty-three and one-third per cent and a slight reduction was distributed generally over the other counties. Thus the two commercial centers, comprising about one-third of the white population, paid just one-half of every levy of direct tax.¹

The only instances after the last decade of the seventeenth century of apportionment of militia detachments among the counties occurred in 1709 and 1711, and in 1759. In general, the quotas for this purpose conformed to the respective percentages of total white population very much more closely than in the case of the privilege of representation or share in the burden of taxation. The quotas for the detachment in 1711, however, reveal the discrimination against Long Island of which Mulford complained. New York and Westchester counties were favored, while Suffolk county, with a population quota of

¹ *Journal of Assembly*, II, 441-2. *Col. Laws*, III, 1038, 1078, 1131, IV, 60, 215, 317.

thirteen and a half per cent, was assigned a detachment quota of eighteen per cent. In the assignment of detachment quotas in 1759 this discrimination against Suffolk county was corrected. The journal of the assembly reveals a close parliamentary struggle at every step. But the usually prevailing majority, in a series of votes standing fifteen to eleven, consisted of a combination of the members from New York city, from the Albany region and from Dutchess and Westchester counties. When, however, in settling their own quotas, Dutchess and Westchester tried to turn and rend each other, the matter was settled each time by the combination of the New York and Albany members with those who on the other quotas were usually in the minority. And this same combination defended Ulster county against undue discrimination.¹

Apportionment of direct tax quotas and of militia detachments are matters which furnish the typical arena for sectional struggles. What happened in this matter during this period seems to be about as follows. In the tax-levies for the third war, excessive discrimination against the commercial centers was at first attempted. This was defeated by the aid of the council in which the commercial interests found a protector. The New York-Albany combination pursued a policy of *divide et impera* and attached to itself, significantly, that portion of the province which was most completely controlled by the great provincial families and "interests." New York city accepted permanently a quota greater than was in its opinion just, but the best that according to its estimate of the actual situation could be obtained. At the beginning of the levies for the fourth war, Albany tried to develop a combination between itself and the rest of the province against New York, Dutchess and Westchester counties. This attempt to attain an undue advantage was at first successful, but for much the greater part of the huge levies for this war, a readjustment was effected which restored Albany's quota to a more nearly equitable position.

IV

Two features are significant in this development. The first

¹ Journal of Assembly, II, 594-7. Col. Laws, I, 723.

is the defensive combination of the commercial centers with the counties occupied by great estates, against quotas excessive in their weight on the commercial centers. This was in 1746. The second is the fact that it was the combination of New York city with the counties containing the estates of its most influential citizens, which was the makeweight in the readjustments following Albany's temporarily successful combination with Long Island and the counties on the western shore of the Hudson.

There is some significance in the composition of the usually dominant majority, namely, New York, the Albany region and Dutchess and Westchester counties. New York city and county furnished four votes; the city and county of Albany, two; Westchester and Dutchess counties, two each. But, besides these, the Albany region accounts for three more votes, one each from the special jurisdictions, Schenectady, Rensselaerwyck and Livingston Manor. Westchester sent two additional members, one from the borough of that name and one from Cortlandt Manor. One-third of this dominant combination of votes came from what were practically pocket boroughs, under the control of great families, or business and family alliances, whose interests were both commercial and territorial. The two commercial centers, New York and Albany, were reciprocally useful to each other, one as the source by way of importation from Europe of the goods required for the Indians, the other as the headquarters of the "handlers," to whose agents at Oswego and Albany the furs were brought from the interior of the continent. In matters relating to trade, "business interests" drew New York and Albany together. In like manner there was a bond between the commercial centers and the "planting" regions. In a country as yet thinly peopled but with possibilities of development, land speculation is a prevailing form of investment. In New York this had taken a form which favored comparatively slow, but also comparatively steady, occupation of the "vacant lands" behind the Iroquois screen. The great estates on whose leaseholds the occupying population was settling throughout the period were controlled by the same groups of interests which were powerful in determining the commercial policy of the

province. And it was especially Dutchess and Westchester counties that were characterized by the dominance, politically and otherwise, of these estate-holding grandees. It was not, then, by accident that the combination of votes which we have seen presiding over the assignment of quotas among the counties was made up as it was. More votes in assembly roll-calls might be cast by members residing in the rural regions than by town dwellers; but the influences controlling these votes centered in small groups of men whose interests were concerned at the same time in trade and in "planting."

No sweeping or portentous conclusion seems possible to be drawn from this sketch. The features of political practice, instances of which have been outlined, serve, however, to enforce the general observation that provincial politics were as much of a tangle of the important and the petty, as much of an interweaving of vaguely felt principle and stalwart local prejudice as are state politics today. In one sense the "petty cabals" over tax quotas were only "contests between crows and kingbirds." Stubborn determination to put the expense of government support on trade rather than land was, perhaps, only the form of tax-dodging which suited the circumstances of the time. In this very sense, however, these manifestations of intense localism have a certain interest. All the efforts of today for efficient procedure in state or federal finance find their most deep-rooted obstacle in the passion for log-rolling for local appropriations among representatives of localities. This seems to have become almost a primary characteristic of "politics" as at present practiced. It should be evident, however, even from this fragmentary sketch, that this trait is no recent development of degeneracy in representative institutions. The problem of relative voting strength in the legislature of metropolis or cities, and "up-state" or "down-state," as the case may be, is after all older than the industrial revolution. More complete familiarity with other aspects of provincial politics would probably enable one to trace to a like ancient origin features regarded as equally characteristic of the present parlous state of politics in our commonwealths.

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